

EMPLOYER STATUS DETERMINATION
Denver Terminal Railroad Company

This is the determination of the Railroad Retirement Board concerning the continued status of Denver Terminal Railroad Company (DTRC), B.A. No. 4780. As an employer under the Railroad Retirement Act (45 U.S.C. §231 et seq.)(RRA) and the Railroad Unemployment Insurance Act (45 U.S.C. §351 et seq.)(RUIA).

Information regarding DTRC was provided by Roy N. Hollaway, former vice president of finance for DTRC. According to Mr. Hollaway, DTRC ceased operations on July 31, 1989, when it sold its line to Denver Railway, Inc. (DRI) a covered employer, B.A. No. 4781, subject to a Deed of Trust and Security Agreement on August 1, 1989. See ICC Finance Docket No. 32256, decided September 23, 1993. Subsequently, DRI defaulted and ceased operations. DTRC foreclosed on DRI's personal and real property under the Deed of Trust and re-acquired and operated the line beginning October 28, 1993. On December 29, 1993, DTRC was sold to Mr. Thomas Z. Mars who continued operations under the same name.


Section 202.11 (20 CFR §202.11) of the Board's regulations states:

The employer status of any company or person shall terminate whenever such company or person loses any of the characteristics essential to the existence of an employer status.

According to the information Mr. Hollaway provided, DTRC sold all of its assets to Mr. Thomas Mars on December 29, 1993. At that point, DTRC no longer possessed the characteristics of an operating railroad company covered by the Acts; accordingly, under section 202.11 of the Board's regulations, DTRC is no longer a covered employer under the RRA and RUIA.

Effective with the close of business December 29, 1993, Denver Terminal Railroad Company ceased being a covered employer under the RRA and the RUIA.


Glen L. Bower


V. M. Speakman, Jr.


Jerome F. Kever